

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CORDELL SYKES,)
)
)
Plaintiff,)
)
) **No. 3:12-cv-0017**
v.)
)
) **Judge Sharp**
KEVIN JOHNSON, et al.,) **Magistrate Judge Bryant**
)
Defendants.)
)

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that “plaintiff’s amended complaint (Docket Entry No. 22) be filed and deemed to supersede and replace his original complaint, that the action be allowed to proceed against defendants Johnson and Riker in their individual capacities, and that defendants be GRANTED 14 days within which to file a response to the amended complaint.” (Docket Entry No. 32 at 2). Specifically, the R & R provides,

The undersigned has reviewed plaintiff’s amended complaint and, although the explicit term “individual capacity” still does not appear in this amended pleading, the undersigned nevertheless finds that it does sufficiently clarify that plaintiff seeks to assert claims against defendants Johnson and Riker in their individuals capacities.

(*Id.* at 1). No objections were made to the R & R.

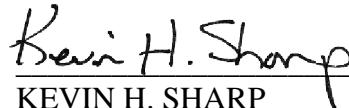
Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 32) is hereby ACCEPTED and APPROVED;
- (2) The Clerk is directed to enter Plaintiff's pleading (Docket Entry No. 22) as an "Amended Complaint," wherein this filing is deemed to supersede and replace his original complaint against Defendants Kevin Johnson and Adriel Riker, in their individual capacities; and
- (3) Defendants shall have fourteen (14) days to file a response to the Amended Complaint.¹

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE

¹ Defendants appear to have already filed an Answer to the Amended Complaint (Docket Entry No. 22) on June 14, 2013. See (Docket Entry No. 35).